

Entered - 02/09/01 - sb
CL 01L0106 - GWENDOLYN BURNS

CLAIM OF: KATHERINE I. LEE
1184 Briarvista Way, NE
Atlanta, Georgia 30329

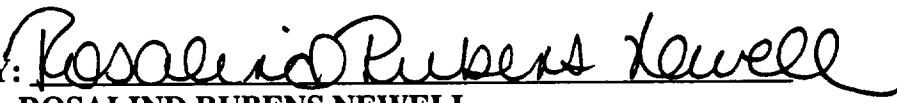
01- R -0795

For vehicular damages alleged to have been sustained as a result of a sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition on January 9, 2001 at North Avenue, NE & Somerset Terrace, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **KATHERINE I. LEE** the sum of **\$700.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a **sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition on January 9, 2001 at North Avenue, NE & Somerset Terrace, NE** as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0106

Date: May 16, 2001

Claimant /Victim KATHERINE I. LEE
BY: (Atty) (Ins. Co.) _____
Address: 1184 Briarvista Way, NE, Atlanta, Georgia 30329
Subrogation: Claim for Property damage \$ 700.00 Bodily Injury \$ _____
Date of Notice: 1/23/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/9/01 Place: North Avenue, NE & Somerset Terrace, NE
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over a sanitary sewer construction site in the roadway that was left open and in an unsafe condition.

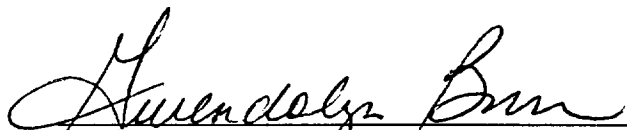
INVESTIGATION:

Statements: City employee X Claimant _____ Others X Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 700.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 6-5-16-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: Jan. 19, 2001

JAN 23 2001

Dear Municipal Clerk:

ENTERED - 2-9-01 - SB
01L0106 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 617.69 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: January 9, 2001 2. Time of Incident: 6:00 p.m. 3. Police called: Yes X
(month/day/ year) Yes No

4. Location of incident (including street address): Intersection of North and Somerset

5. Name of your insurance company: USAA (United Services Auto Assoc.) Policy No. 00284 65 00U

6. State what and how incident occurred: As I was driving home on a route I take daily, I ran into what felt to be a huge hole. There were no barriers or signs to indicate a problem in the road--although I had noticed workers working on the street in that area the day before. I was able to continue driving, unaware that I had damaged something. The next morning I found

a bent wheel and a flat tire and that my hubcap was missing. In addition to that damage, my dealer, Dyer and Dyer Volvo, found a damaged roll bar. They said the right front tire was ruined and that I had to replace the two front tires so they would match. I chose to replace the two back tires, so they would also match. I am requesting reimbursement for two tires, a sway bar link, a wheel and associated labor. Items are high.

7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**

8. **The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).**

Your vehicle: Volvo 850 1996 836 86P Katherine I. Lee
(Make) (Year) (Tag Number) (Driver's Name)
(336 SCP)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Unknown
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Katherine I. Lee
Signature of Claimant

Katherine Inez Lee
(Print Claimant's Name)

1184 Briarvista Way NE
(Address)

Atlanta, GA 30329
(City, State and Zip Code)

404 215-7883 404 325-0562
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0106

\$ 700.00

IN CONSIDERATION of the sum of SEVEN HUNDRED DOLLARS AND NO/100s
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and
forever discharge said City, its officers and employees, from any and all claims, demands, actions,
causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account
of anything that has heretofore occurred, and particularly for or on account of vehicular incident
which occurred on or about the 9th day of January, 2001, at or near North
Avenue, NE & Somerset Terrace, NE.

It is further understood and agreed that the payment of the above named sum is not to be
considered as an admission on the part of the City, its officers, agents, servants or employees, of any
liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless
the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or
costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon
to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is
the payment of the sum stated above; that no other promise or agreement of any kind or nature has
been made to or with me by said City or its agents to cause me to sign this release, and that I fully
understand the meaning and intent of this instrument.

WITNESS my hand and seal this 15 day of May, 20 01

Katherine I. Lee

Katherine I. Lee

The above release was read and explained to, and signed by the said Katherine I.
Lee in our presence on the date above written.

Jeanne J. Meador
[Signature]

WITNESSES

01-R-0795